85-2018 (3)

Supreme Court, U.S.
FILED
JUN 9 1986
JOSEPH F. SPANIOL, JR.
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1985

ARTHUR KUNGLE, JR., Petitioner

v.

ST. JOHN'S COLLEGE, et al.

Respondents

ON WRIT OF CERTIORAI TO THE COURT

OF APPEALS OF MARYLAND

APPENDIX TO PETITION FOR WRIT:

h. RECORD OF QUESTIONS

ARTHUR KUNGLE, JR.
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(301) 263-9080
Pro Se

18 pp

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Filed 5/21/84

THE CIRCUIT COURT FOR

ANNE ARUNDEL COUNTY, MARYLAND

ARTHUR KUNGLE JR.

Plaintiff
Vs.

ST. JOHN'S COLLEGE
Annapolis, Maryland
21404

Defendant

and
EDWIN DELATTRE
St. John's College
Annapolis, Maryland 21404

Defendant

and
JEROME LAPIDES
St. John's College
Annapolis, Maryland 21404

Defendant

and
SAMUEL KUTLER
St. John's College
Annapolis, Maryland 21404

Defendant

and
EDWARD SPARROW

St. John's College
Annapolis, Maryland 21404

Defendant

and
BRYCE JACOBSEN
St. John's College
Annapolis, Maryland 21404

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff, ARTHUR KUNGLE JR., And sues ST. JOHN'S COLLEGE, EDWIN DELATTRE, JEROME LAPIDES, SAMUEL KUTLER, EDWARD SPARROW AND BRYCE JACOBSEN, and for his causes of action says as follows:

1. Plaintiff is a citizen of the State of Maryland;

2. Jurisdiction is founded upon the laws and Constitution of Maryland, and the laws and Constitution of the United States of

America, and Treaties made under the authority of the United States;

COUNT ONE

3. This count arises under Article 24 of the Maryland Declaration of Rights.

4. Defendant Corporation, henceforth the College, accepted Plaintiff as member;

5. In May 1981 Dean Edward Sparrow invited Plaintiff to his office absent particulars as to why;

6. There on May 22, 1981 exile from the campus was pronounced on the Plaintiff;

7. In subsequent meetings with Dean Sparrow and President Delattre few or no reasons were given;

8. Until after visits and final banishment;

9. And redress was forbidden;

WHEREFORE, Plaintiff requests injunctive relief to require the College to observe this right.

COUNT TWO

10. This count arises under 28 Edward III, Cap. 3.

11. Plaintiff repeats and realleges all his allegations in Count One.

WHEREFORE, Plaintiff requests injuctive relief to require the College to obey this law.

COUNT THREE

12. This count arises under common law.

13. Plaintiff repeats and realleges all his allegation in Count one.

14. Plaintiff further alleges that no fair trail was conducted.

WHEREFORE, Plaintiff requests

injunctive relief to require the College to follow that right principle.

COUNT FOUR

15. This count arises under Article 19 of the Maryland Declaration of Rights.

16. Plaintiff repeats and realleges all his allegations in COUNT Three. WHEREFORE, Plaintiff requests injunctive relief to require the College to observe this right.

COUNT FIVE

17. This count arises under Article 40 of the Maryland Declaration of Rights.

18. Dean Sparrow said that the reason Plaintiff did not belong on campus was because of what he wrote and said,

WHEREFORE, Plaintiff requests injunctive relief to require the College to honor this right.

COUNT SIX

19. This count arises under Article 36 of the Maryland Declaration of Rights.

20. Mr. Sparrow wrote that Plaintiff's religion was impermissible;

21. Mr. Jacobsen said that Plaintiff's writings were wrongly religious;

WHEREFORE, Plaintiff requests injunctive relief to require the College to honor this right.

COUNT SEVEN

22. This count arises under Article 45 of the Maryland Declaration of Rights.

23. Mr. Delattre and Mr. Sparrow wrote that Plaintiff's exercise of associabion and assembly rights were not to be permitted; Wherefore, Plaintiff requests injunctive relief to require the College to honor these rights.

COUNT EIGHT

24. This count arises under Articles 9 and 10 of the United States Bill of Rights.

25. Mr. Sparrow wrote for the College, purportedly, complaining of the Plaintiff's movements; WHEREFORE, Plaintiff request injunctive relief to require the College to respect this right, absent strict scrutiny.

COUNT NINE

26. This count arises under the

Fourteenth Amendment to the Constitution of the United States.

27. Plaintiff repeats and realleges Counts FIVE, SIX & SEVEN, WHEREFORE PLAINTIFF requests injunctive relief to require the College to respect these rights.

COUNT TEN

28. This count arises under ARticles 2 and 45 of the Maryland Declaration of Rights.

29. Plaintiff repeats and realleges Counts One thru Nine,

30. Plaintiff further alleges that the College has denied its other members freedom of choice and self determination in their reciprocal exercise of speech, writing, religious and associative rights, WHEREFORE, Plaintiff requests

injuctive relief to require the College to respect all its members rights.

COUNT ELEVEN

31. This count arises under common law.

32. Plaintiff sought to inspect the books of the corporation but was denied access;

33. Plaintiff was similarly denied opportunity to properly run for the Corporations Board due to irregular practices;

WHEREFORE, Plaintiff requests injunctive relief to require the College follow proper procedure.

COUNT TWELVE

34. This count arises under the United Nations Charter, the United Nations Declaration of Human Rights,

the Conference on Security and Cooperation in Europe, the American Declaration of the Rights and Duties of Man, and the American Convention of Human rights.

35. Plaintiff repeats and realleges Counts One thru Ten,

36. Plaintiff further alleges that these international agreements has simlarly been violated by the Corporation, Wherefore, Plaintiff requests injunctive relief to require the College to respect these principles.

COUNT THIRTEEN

37. This count arises under the Annotated Code of Maryland.

38. Plaintiff alleges that the College has acted ultra vires: beyond its power and proper capacity,

Wherefore, Plaintiff requests injunctive relief to require the College to cease such actions.

COUNT FOURTEEN

39. This count arises under common law.

40. Plaintiff alleges that agents and employees of the College have negotiated, spoke, written or dealt with him and others in bad faith, with duress, and have falsely or fraudently acted,

WHEREFORE, Plaintiff requests injunctive relief to require the College to cease such actions and to put aside what has been attempted by such actions.

COUNT FIFTEEN

41. This count arises under common law.

42. Plaintiff realleges previous counts,

WHEREFORE, Plaintiff requests injunctive relief to require his reinstatement as member of the College and a free man.

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AMENDMENT OF BILL OF COMPLAINT

COUNT TWO

10. This count arises under 28 Edward III, Cap. 3, and Article 5 of the Maryland Declaration of Rights.

COUNT THREE

12. This count arises under common law and Article 5 of the Maryland Declaration of Rights.

COUNT SEVEN

22. This count arises under Articles 2, 3 & 45 of the Maryland Declaration of Rights.

COUNT EIGHT

24. This count arises under Articles 9 and 10 of the United States Bill of Rights and Articles 3 and 45 of the Maryland Declaration of Rights.

&

WHEREFORE, Plaintiff requests injuctive relief to require the College to respect this right and principle, absent strict scrutiny, and reasonable and knowable standards.

COUNT NINE

26. This count arises under the Fourteenth Amendment, and also thereby the First Amendment, to the Constitution of the United States.

27. Plaintiff repeats and realleges Counts FIVE, SIX SEVEN AND

TEN.

COUNT TEN

28. This count arises under Articles 2, 3, 6, & 45 of the Maryland Declaration of Rights.

COUNT ELEVEN

31. This count arises under common and statutory law, and Articles 5 & 6 of the Maryland Declaration of Rights.

COUNT TWELVE

34. This count arises under Articles 2, 3 & 45 of the Maryland Declaration of Rights, and Article VI of the United States Constitution, as well as the United Nations Charter, the Nited Nations Declaration of Human Rights, the Conference on Sedurity and Cooperation in Europe, the American Declaration of the

Rights and Duties of Man, and the American Convention on Human Rights.

COUNT FOURTEEN

39. This count arises under common and statutory law and Article 5 of the Maryland Declaration of Rights.

COUNT FIFTEEN

41. This count arises under common and statutory law and Article 5 of the Maryland Declaration of Rights. WHEREFORE, Plaintiff requests injunctive relief to require his reinstatement and restoration as a member of the corporation, and recognition by the corporation of all its members as free and responsible living beings.

WHEREFORE, and also, Plaintiff respectfully requests such other and further relief as may be required.

And as excuse for what may seem to be delay, Plaintiff avers that he proceeded with diligence, including expenditure, risk, and obligations incurred, in spite of loss of records, awaiting pending legal proceedings, and fear for harm or danger to other living beings to and for whom he had and has duty, right, and relations, including fiduciary, confidential and of trust. Defendants have induced delay by relations purporting to be fiduciary, confidential and with trust, by concealment of material facts and causes of action and through various attempts at negotiations towards settlement.

AND, WHEREAS, under the Old Maryland Rules law and equity were

separate, and multiplicity of suits was discouraged, and the (New) Maryland Rules apply insofar as practicable,

Under civil action, Plaintiff repeats what is proper of the previous counts, and Plaintiff requests respectfully such relief as was previously appropriate at law, including mandamus where appropriate.

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IN THE CIRCUIT COURT FOR

ANNE ARUNDEL COUNTY, MARYLAND

ARTHUR KUNGLE JR

Plaintiff

v.

ST. JOHN'S COLLEGE, et al

Defendants

Case No. 3106024

AMENDED COMPLAINT ACCORDING TO PRE-TRIAL CONFERENCE

COMPLAINT AND REQUEST FOR JURY TRIAL

COMES NOW The Plaintiff, ARTHUR KUNGLE JR., and sues ST. JOHN'S COLLEGE, EDWIN DELATTRE, JEROME LAPIDES, SAMUEL KUTLER, EDWARD SPARROW, AND BRYCE JACOBSEN, and for his causes of action says as follows:

1. Plaintiff is a citizen of the State of Maryland;

2. Jurisdiction is founded upon the laws and Constitution of Maryland, and the laws and Constitution of the United States of American, Treaties made under the authority of, and International Law applicable to, the United States;

I

These claims arise under Article 24 of the Maryland Declaration of Rights:

.1 The Corporation, or the College, accepted and admitted Plaintiff as member;

In May 1981 then Dean Edward Sparrow invited Plaintiff to his office absent particulars as to why;

And there May 22, 1981 exile from the campus was pronounced on the Plaintiff, effective Labor day.

.2 It was suggested that previous efforts might be turned into more formal employment, but in terms requiring censorship to self and others, and compliance with discrimination against others.

.3 In that and other subsequent meetings with Mr. Sparrow and President Delattre few or no reasons were given.

.4 That is until after visits and final banishment.

.5 And redress was forbidden. This continues.

.6 And though more information and remedy was sought from them, other officers, and the board, there has

been little or no response. This is continuing.

Additional facts include: Alumni had confidential meetings and correspondence with officials, and students presented petitions to them--which were not requested and were recommended against by Plaintiff. Thereafter Plaintiff met with Mr. Delattre in October and Mr. Sparrow in November, 1981.

II

This claim arises under 28 Edward III, Cap. 3, and Article 5 of the Maryland Declaration of Rights. Plaintiff repeats and realleges all in Claims I.

III

This claim arises under common law and Article 5 of the Maryland

Declaration of Rights. Plaintiff repeats and realleges all in Claims I, and further alleges that there was no fair notice, hearing or trial.

IV

This claim arises under Article 19 of the Maryland Declaration of Rights. Plaintiff repeats and realleges all in Claim III, and subsuquent applicable Claims.

V

These claims arise under Article 40 of the Maryland Declaration of Rights.

.1 Mr. Sparrow said in that May that the reason the Plaintiff did not belong on campus was because of what he wrote and said. Later in November he said that the issue was not words, but no one had the right to say such

things. Still later than November he wrote that opinions, and attempts at communication were part of the problem.

.2 In May Mr. Sparrow said that a condition of further work would be not to speak to anyone, and not to post anything on any bulletin board.

.3 In the previous October Mr. Jacobsen had said that unless the Plaintiff stopped sending letters he would "take care" of him.

.4 The communication above included talking to others on the phone.

.5 Mr. Delattre's October letter alluding to his objections seemed less in response to what Plaintiff had written than to what he had put in the Gadfly (independent weekly at St. John's College), which were words

about freedom from Mr. Willkie's grave.

VI

These claims arise under Article 36 of the Maryland Declaration of Rights:

.1 Mr. Sparrow wrote that Plaintiff's exercise of ministry was impermissible.

.2 It was earlier indicated that Plaintiff's religious beliefs were inferior or impossible or wrong, thus Mr. Milner, Dr. Kinzer, and Mr. Sparrow.

.3 Mr. Jacobsen said that Plaintiff's writings were wrongly religious.

.4 Mr. Jacobsen and Mr. Ault said, respectively, that Plaintiff should, and he would help him, go into a

religious retreat, far away.

VII

These claims arise under Articles 2, 3, 45 & 19 of the Maryland Declaration of Rights:

.1 Mr. Delattre and Mr. Sparrow wrote and the latter said that Plaintiff's exercise of assembly rights was not to be permitted.

.2 Mr. Delattre and Mr. Sparrow wrote and the latter said that Plaintiff's exercise of associative rights was not to be permitted.

.3 The administration, faculty and board have denied the proper relationship--called friendship--on campus between members of different classes of the corporation, expecially other than their own.

VIII

These claims arise under Articles 2, 3 45 & 19 of the Maryland Declaration of Rights and Articles 9 & 10 of the United States Bill of Rights, if not others.

.1 Mr. Sparrow wrote, purportedly for the College, complaining of the Plaintiff's movements of body.

.2 Mr. Sparrow also complained of movements of thought, mind and spirit.

.3 Correlative of movement of body is body without movement or station or status.

.4 Correlative of movement of thought, mind and spirit is their stationary condition and content.

.5 Complained of also must be movements of body with regard to others. An example given to a

student was that Plaintiff scared young ladies by his waltzing. On the other hand plaintiff has received complaints from young ladies that that waltzing is missed.

.6 Complained of also is the effect of words and ideas (by movement or lack thereof) on others.

(The items in the above paragraphs are difficult to get a handle on: plaintiff has a hard time figuring out facts that would legitimately justify complaint.)

IX

These claims arise under the Fourteenth Amendment, or other appropriate parts, of the Constitution of the United States, or statutes thereunder.

Alternatively, these arise under

applicable parts of the Maryland Constitution or laws.

Plaintiff repeats and realleges Claims I thru VIII & X.

.1 The corporation and its masters and agents have discriminated and denied access to facilities open to the public.

.2 The corporation and its masters and agents have discriminated and denied access to facilities open to the members of the corporation.

.3 The corporation by its employees has given special favors to some employees and their families, while denying access and rights--other than as privileges--to permanent members.

.4 The corporation has discriminated in employment with regard to its permanent staff.

.5 The corporation has discriminated in employment with regard to its at-will workers, more especially those who are also members, and members of legitimate organizations on campus.

With regard to paragraphs IX.1 & .2: the history of relations between the college, the state, the public and its own members is long and complex and partly awaits discovery. With regard to IX.3, It is discriminatory to allow tc some and deny to others what the Congress and legislators can not deny by the 1st amendment, as well as other legislation. With regard to LX.4 & .5, it is discriminatory to retaliate against willing workers, who are part of organizations encouraging

voluntary participation, for their exercise of protected freedoms, and for sticking up for members of other classes (student & staff) who are being discriminated against.

X

These claims arise 2, 3, 6 & 45 of the Maryland Declaration of Rights, and other appropriate Maryland & U.S. provisions.

Plaintiff repeats and realleges Claims I thru IX.

Plaintiff further alleges that the corporation, and some of its member classes, have denied to other members and classes freedom of choice and self determination in their reciprocal exercise of fundamental freedoms and human rights:

.1 Listening and speaking in return

have been denied.

.2 Reading and writing in return have been curtailed.

.3 Prayer and movement of spirit has been circumscribed.

.4 Exchange of thoughts and ideas has been prevented.

.5 Peaceful assembly has been denied.

.6 Associative activities have been curtailed.

.7 Proper relationship of friendship has been circumscribed for some.

.8 As immediately above, and it has been denied for others.

.9 Legitimate contact has been prevented.

XI

These claims arise under common and statutory law, and Articles 5 & 6 of

the Maryland Declaration of Rights.

.1 Plaintiff sought to inspect the books of the corporation but was denied access.

.2 Plaintiff was told by Mr. Sparrow that he could not be a board member, and when he announced his intention of trying, his name was taken off the mailing list so that he did not receive timely notice of filing deadlines, and the interrelated Alumni Association corporation made its qualification requirements more difficult.

.3 Plaintiff protested by letters to the Secretary of the Board, Mr. Lapides, and therein formally challenged the elections.

.4 By this averment he notes that seemingly little or nothing has been

done, and therefore Plaintiff challenges the validity of all alumni elections to the Board of Visitors and Governors of the corporation.

XII

These claims arise under Articles 2, 3 & 45 of the Maryland Declaration of Rights, and Article VI of the United States Constitution, as well as the United Nations Charter (UNCH), the Universal Declaration of Human Rights (UDHR), the Conference on Security and Cooperation in Europe: Final Act (Helsinki Accord), the Charter of the Organization of American States, as amended by the Protocol of Buenos Aires (OASC), the American Declaration of the Rights and Duties of Man (ADRD), and the American Convention on Human Rights (AMR).

B. Alternatively, as above, and where there is independent and adequate domestic articulation of those principles inform, infuse, and support their meaning.

C. Alternatively, as above, and where there is not articulation of these principles in domestic instruments, the international statement of principles, greatly nurtured through the history of this land, inform and infuse domestic general, open and expandable clauses.

.01 This is according to UNCH.

.02 This is according to the Preamble UNCH particularly.

.03 This is according to Art. 51, UNCH.

.04 This is according to Art. 56, UNCH.

.05 This is according to UDHR, Preamble.

.06 This is according to Art. 1, UDHR. thru this is according thru .35 This is according to Art. 30, HDHR.

.36 This is according to Helsinki Accord 1.a.VII, Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion, or belief, & conformity clause

.37 This is according to Helsinki accord in general.

.38 This is according to OASC.

.39 This is according to OASC, Art. 3, j. particularly.

.40 This is according to OASC, Art. 43 (a) particularly.

.41 This is according to ARDR,

Preamble.

.42 This is according to ARDR, Art. 1. thru this is according thru

.79 This is according to ARDR, Art. 38.

.80 This is according to AMR, Preamble.

.81 This is according to AMR, Art. 1. thru this is according thru

.112 This is according to AMR 32, Relationship between Rights and Duties.

(It may be properly noted that AMR may more properly infuse, inform, support and define OASC and ARDR.)

For with, and in each of the paragraphs included in XII the plaintiff reasserts and realleges all in other Claims.

XIII

These claims arise under the Annotated Code of Maryland, and such other statutory, common and constitutional provisions as are applicable.

Plaintiff alleges that the corporation or its directors, employees, or other members, has or have acted ultra vires: beyond its (or their) power and capacity.

.1 The bylaws, or polity, say that the alumni act formally through the alumni association, but neither there nor elsewhere are constitutionally guaranteed and protected fundamental freedoms and liberties and human rights forfeited nor properly subjected to liscense--nor can they be. Therefore in denying or liscensing its members liberties it

acts ultra vires.

.2 There is no procedure for properly excluding a member, nor has the least semblance of proper procedure been followed. Therefore it acts ultra vires.

XIV

These claims arise under common and statutory law and Article 5 of the Maryland Declaration of Rights.

Plaintiff alleges that agents and employees of the corporation negotiated, spoke, wrote and dealt:

.1 As above, with him, in bad faith.

.2 As above, with him, with duress.

.3 As above, with him, falsely.

.4 As above, with him, and fraudulently.

.5 As above, with others, in bad faith.

.6 As above, with others, with duress.

.7 As above, with others, falsely.

.8 As above, with others, and fraudulently.

Facts in support include that named parties and others encouraged discussions, or forced them, encouraged reliance, and trust, and made promises which were not kept, nor evidently was there intention for honest, open and fair dealing, and yet the plaintiff and others were hurt by dealing with and relying on them.

XV

These claims arise under common and statutory law and Article 5 of the Maryland Declaration of Rights.

.1 Plaintiff has been disfranchised

unfairly and unjustly as member.

.2 Other members have reciprocapally been deprived of their rights and franchises as members improperly.

And these things have happened in spite of the fact that those who were to become permanent members, after paying entrance or subscription fees, signed their names into register of the corporation, and the president said that thereupon he afixed the great seal.

AND, WHEREAS, under the Old Maryland Rules law and equity were separate, and multiplicity of suits was discouraged, and the New Rules apply insofar as practicable,

Under civil action, Plaintiff repeats what is proper of the previous claims and in as much as

they could not be stated above for:

A. violation of law 1784 Maryland Chapter 37: XVI thru XXX corresponds to I thru XV;

B. breach of contract: XXXI thru XLV corresponds to I thru XV;

C. tort for injury to personal rights and liberties: XLVI thru LX corresponds to I thru XV;

D. tort for interference with business and contact: LXI thru LXXV corresponds to I thru XV.

(And as excuse for what may seem to be delay, Plaintiff avers that he proceeded with diligence, including expenditure, risk, and obligations incurred, in spite of travail and

loss of records, while awaiting pending legal proceedings and developments, and acted with proper regard, care and fear for harm or danger to other living beings to and for whom he had and has duty, right, and just relations, including those fiduciary, confidential and with and of trust. Defendants have induced delay by relations purporting and seeming to be fiduciary, confidential and with trust, by making renewed promises--evidently never having been intended to be kept--through various stages of, and attempts at, negotiations towards settlement, and by concealment of material facts and causes of action. Moreover all of this is continuing and ongoing.)

(Plaintiff pursued legal and

historical research in 7 states & the District. Records were lost in moving. Court decisions and discrimination proceedings were awaited. Vital matters were cared for. Plaintiff was concerned that a public squabble might prevent present students proper attention to the program, and even more that students or staff who dared to say the wrong thing could suffer--as a reported discovered who received "the Wrath of St. John's", where "criticism is not permitted" according to Mr. McDowell, former Gladfly editor, present law school student. In November of 1980 Plaintiff visited the Dean at home, where they prayed together, and he was asked to trust the other, who expressed various concerns about the

campus--having little relevance to the Plaintiff inasmuchas he had been out of state, and had mostly stayed off campus, objecting to discrimination, fibbing, drugs, disregard to dangers to students, & the hoopla of the new President's coronation and attendant propaganda about SJC. The two humored and honored each other for awhile. Due to some delicate matters, plaintiff tried to meet with the president, but he did not show up. Plaintiff later asked and received the Dean's kind aid in family matters. (And in spite of later unfortunateness he tried to reciprocate.) Plaintiff began to wonder about what trust meant in May 1981 when discrimination was reaffirmed and thumb jerk of

ejectment or a slash across the throat was indicated by the Dean as a consequence for wrong speak or deed & more formal employment. Following alumni & student requests the next fall Plaintiff met with the president but contrary to his letter of invitation he would not reveal his concerns, until later in a mysterious letter. Following Nov. 13 encounter with the good Dean at his home--Plaintiff learned that "no one has a right to be" himself--and plaintiff's rambling, if not eloquent letters on law and history, the administration produced and involved and confusing letter of pseudo-complaints and pronounced the case closed. (It was so brilliant it took plaintiff 6 months to interpret

and answer it.) Plaintiff later wrote the Board and asked why was going on, and an unsolicited delegation of students styling themselves Friends of Liberty asked the same question, they may have, plaintiff has not yet, received an answer.)

WHEREFORE, the Plaintiff respectfully requests injunctive and such other and further relief as may be required.

An further he respectfully requests such relief as was previously appropriate at law, including mandamus where proper.

And for relief, the Plaintiff respectfully requests the Honorable Court to:

1. Accept jurisdiction of this case

and controversy;

2. Declare that constitutional guarantees extend to all citizens and provide proper standards;

3. And this most especially with regard to fundamental freedoms, and basic human rights and duties of man;

4. Require the corporation to respect these principles as applying to all its members without regard to class;

5. Reinstate plaintiff and restore to all members their protected rights with responsibility;

6. Require the corporation to henceforth proceed by regular, open honest procedures with process which is due;

7. Require the corporation to put money obtained under false pretenses

by mail from the Plaintiff in a fund to benefit the students or staff's retirement;

8. Do whatever else is proper.

Respectfully submitted,

Arthur Kungle Jr.
Plaintiff
c/o 50 Maryland Ave.
Annapolis, Maryland 21401

CORRECTIVE AMENDMENTS OF COMPLAINT
AMENDED ACCORDING TO
PRE-TRIAL CONFERENCE

Comes Now the Plaintiff to make corrective amendments of Complaint Amended according to Pre-trial conference and Rule 2-341:

V, VI, VII, VIII, IX, X & XII: The paragraphs under these generally numbered claims should end: With regard to all above under the numeral, right with responsibility is due respect, wrong is in denying this right, omission is in failing to respect or recognize it. Injury, loss and damage follow from denial and deprivation of these principles. It is hard to reckon cost, and impossible to arrive at monetary

recompense, for loss of liberties.

And this is continuing.

VII.3 Add: according to Mr. Burkett, in 1983/84

IX Add to cognates of the word discriminate: (cognates of) and deprive of right...

IX At "it is discriminatory" Add: and abusive discharge..."to retaliate".

X To "2, 3, 6 & 45" Add: 19 & 24.."of Maryland Declaration"

XI.1 Add: in fall 1981 & spring 1982.

XI.2 Add: in fall 1981 thru spring 1982.

XI.3 Add: in Oct. 1982, April 1983, April 1984

XIII Add on last line: "all in

other Claims" I-X.

XIII, XIV, XV Add: Plaintiff reasserts and alleges Claims I-XV.

Page 8 In "And as excuse", delete extra delati/delay purporting to be and seemingly fiduciary, confidential and with trust.

With apology for earlier illness:

Respectfully submitted,

Arthur Kungle Jr

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IN THE CIRCUIT COOURT FOR

ANNE ARUNDEL COUNTY, MARYLAND

ARTHUR KUNGLE JR.,

FOR HIMSELF & OTHERS,

AS IT IS PROPER

Plaintiff(s)

Vs. No. 3106024

ST. JOHN'S COLLEGE.

& EDWIN DELATTRE,

& SAMUEL KUTLER

& EDWARD SPARROW,

& BRYCE JACOBSEN,

& OTHER, INDIVIDUALLY

& COLLECTIVELY, AS IT

IS APPROPRIATE & RPOPER

Defendatnts

REVISED COMPLAINT

Comes now the Plaintiff, for himself and others, as it is proper,

and sues St John's College, & Edwin Delattre & Jerome Lapides & Samuel Kutler & Edward Sparrow & Bryce Jacobsen & opthers, individually & collectively, as it is appropriate & proper, and says as follow:

1. Plaintiff is a citizen of the State of Maryland and Jurisdicition is founded upon the laws and Constitution of Maryland, and the laws and Consitution of the United States of America, and Treaties made under the authority thereof, and INternational Law applicable thereunto.

2. The Corporation, or the college, accepted Plaintiff as member in 1963, with others, then & later, membership became permanent, after paying entrance fees and singing into the corporate register, whereon the President afixed the great seal.

3. Therafter Plaintiff on campus & off, formally & informally, participated in groups efforts and helped as a fried, in spite of disillusiionment with the school and society.

4. In May 1981 then Dean Sparrow invitedPlaintiff to his office absent particulars as to why, and pronounced exile from campus effective Labor Day. (See Defendant's May 22,1981 letter.)

5. It was suggested that previous efforts of Plaintiff might be turned into more formal employment, but in terms denying rights of self & othrs and discriminatory against others for equal employment opportunity.

6. In that and other subsequent meetings with Mr Sparrow & president Delattre, few or no reasons were given, until after visits & final banishment. And redress was forbidden. (Compare correspondence Sept.-

Nov. 1981, previously submitted to Honorable Court.)

7. Confidential meetings were held by the president with alumni, & students contrary to plaintiff's recommendation petitioned.

8. And though more information and remedy was sought from officers & the Board, there has been little or no response. This is continuing, and ongoing, neither fair notice or hearing.

I. Therefore there arises claim of denial of process due or natural justice, under Article 24 of the Maryland Declaration of Rights (MDR), considering paragraphs 1-8, and

II under Art. 5 MDR, & 28 Edward II, Cap. 3, again I; and

III under common law & Art. 5 MDR, again I: and

IV under Art. 19, MDR, as in I.

9. Defendant's letter of Nov. 22, 1981, clearly stated complaints about Plaintiff's speech, writing, religion, belief, thought, assembly, association, movement, with regard to others, and intention to censor these. This is continuing & ongoing.

V. Therefore this claim arises under Art. 40 MDR, & L-IV, with regard to speech, writing & printing & thought.

VI From paragraph 9 this claim arises under Art. 36 MDR, &I-IV, with regard to religion, belief & thought.

VII From paragraph 9 this claim arises under Arts. 2, 3 & 45 MDR, & I-IV, with regard to assembly, association, and proper relation between & among friends.

VIII & From paragraph 9, this claim arises under Arts. 2, 3 & 45 MDR & I-IV, with regard to bodily movement or lackof

it;

& VIII B with regard to movement or state of thought, mind, or spirit, claim arises under that cited in VIIIA.

10. The corporation has:

a. discriminated in employment against its permanent staff under pay and against its at-will workers, who are members of legitimate organizations;

b. denied access and use of facilities available to members of the corporation.

c. denied access and use of facilties open to the public.

IXA Adopting 10 a, this claim arises under the appropriate US code, also adopting paragraph 5.

IXB Adopting 1-8, & 10a this claim arises under common law.

IXC Adopting 1-9, & 10b this claim arises under appropriate US Code,

IXD Adopting 1-9, & 10b this claim arises common law.

IXE Adopting 1-9, & 10c this claim arises under the appropriate US code.

IXF Adopting 1-9, & 10c this claim arises under common law.

11. Platinff reassert paragraaphs 1-10, especially 9, & in

X Argues for the reciprocal exercise of fudnamental freedoms and human rights, by freedom of choice and self-determination by other members of the corporation. This claim arises under articles cited above in I-VIII.

.1 Listening and speaking in return have been denied.

2. Reading and writing in return have been curtailed.

3. Prayer and movement of spirit have been circumscribed.

.4 Exchange of thoughts and ideas have been prevented.

.5 Peaceful assembly has been denied.

.6 Associative activies have been curtailed.

.7 Proper relationship of friendship has been circumscribed for some.

.8 As immediately above, and it has been denied for others.

.9 Legitimate contact has been prevented.

12. Where it is appropriate the United Nations Charter (UNCH), the Universal Declaration of Human Rights (UDHR), the Conference on Security and Cooperation in Europe: Final Act (Helsinki Accord), the Charter of the Organization of American States, as amended by the Protocol of Buenous Aires 9oasc), the American Declaration of the Rights and Duties of Man (ADRD), and the

American Convention on Human Rights (AMR), may inform, infuse & support, or expand our domestic documents.

XI.A. From 12 above, most especially Helsinki 1.a. VII; and

XI.B. From 12 above, most especially ARDR, Art. 26--every accused person is presumed to be innocent until proved guilty.

13. In fall of 81 & spring of 82 Plaintiff sought to inspect corporate books, & was told he could not be a board member. Challenge letters to corporate secretary in 82 & 83 brought no response.

XII A incoroporating 13, claim arises under common law.

XII B " ", " " " Maryland code.

14. The corporation has not followed its bylaws, for it has no provision

for expelling a member, and has unfairly denied rights and privileges tomany of its members.

XIII This claim incorporates by reference 1-14 and is that the corporation has acted ultra vires.

15. The corporation, its employees and agents, have negotitated, spoke, written and dealt with Plaintiff and others associated in bad faith, with duress, and falsely whether intentionally or not, or recklesssly ornot. Plaintiff and others olaced reliance on the words oif those abobe, and this was misplaced even as were misled, to our hurt and los.

XIVA This claim reincorporates 1-14, and this arises under common law.

XIVB " " " " " " " " by Maryland code.

XV This claim arises under Art. 5 MDR, and reasserts paragraphs1-15, especially 2, 7, 8, 9, 10, 13 & 14, for the members of the corporation have been denied their rights and franchises in the corporation.

And as excuse for what may seem delay Plaintif claims diligence, unfounded reliance on Defendants, and concealment by the.

Pardon is granted for those who trespass against me, both believers and not, as highter authority guides. Wrong to others and fundametnal principles is not so easy to forget.

Joinder is as staed in caption because with all the differing and congracictory comments of people at St John's College is is hard to who did what whe. Simlarly it is hard to know all things reffered to until further discovery.

WHEREFORE, Plaintiff respectfully requests injunctive and such other relief as may be required and proepr;

and further he respectfully requests such relief as was previously appropriate at law, including declaratory judgement and mandamus where proper.

And for relief, the Plaintiff respectfullly requests the Honoroable Court to:

1. Accept jurisdiction of this case and controversy;
2. Declare that constitutional guarantees extend to all citizens and provide proper standards;
3. And this most especially with regard to fundamental freedoms, and basic human rights and duties of man;
4. Require the corporation to respect these principles as applying to all its memembers without regard to class;

5. Reinstate plaintiff and restore to all members their protected rights with responsibility;

6. Require the corporation to henceforth proceed by regular, open and honest procdures with process which is due;

7. Require the corporation to put money obtained undeer false pretense by mail from the Plaintiff in a fund to benefit the students or staff's retirement;

8. Allow amendment of pleadings such as is necessary and proepr as discovery progresses.

9. Do whatever else is proepr.

Respectfully submitted,

Arthur Kungle Je Plaintiff

c/o 50 Maryland Ave. Annaposlis, Maryland 21404.

Request for jury trial

Plaintiff requests to have this case tried by a jury where proper.

Arthur Kungle Jr

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SUPPLEMENT TO REVISED COMPLAINT

Comes now the Plaintiff to cupplement his revised complaint with wrongs suffered after May 22, 1981, and more especially after May 21, 1984, and says:

16. Not to be able to join with the Methodists in anniversary worship and celebration under the Liberty Tree this last summer is a grievous loss.

17. Not to be able to share care with the sick on campus this week was a loss to all.

18. Not to be able to communicate with students and alumni at homecoming about environmental matters was a loss to all and a handicap and deterrent to legitimate ongoing efforts and activities.

19. Not to be able to discuss

totalitarianism and tyranny in human society with Mr. IF Stone was a loss to both & others.

20. Not to be able to discuss developments in constitutional and common law with Prof. Collins on UN day was a loss to both, and common law lands, and more.

XVI. Adopting paragraphs 16-20, and whatever appropriate before I-XV, this constitutes a tort for injury to personal rights and liberties.

XVII adopting paragraphs 16-20, and whatever appropriate before I-XV, this constitutes a tort for interference with business and contact, for self.

XVIII As in XVI & XVII, also for others.

Wherefore Plaintiff respectfully adopts and repeats the previous request for relief, and such other as is proper.

Respectfully submitted,

State of Questions presented:

Should an entire complaint be striken, before discovery of good faith effort to resolve dispute, when part of the complaint's issues raised is or should be known or notice by the defendants?

Should a complaint be dismissed, assuming at least part of the previous question, when also considerations are facts not on the record, hearsay, reliance on non parallel precedent, and holding the pleadings against the pleader?

Should relief be given to one excluded from a membership corporation for exercise of speech, religion, thought association, and movement?

Should relief be given as above, or separately, when one is banned or excluded without notice or fair hearing?

In this situation can one defend the rights and interests of others?

Are statutes in violation of the above repubnant to our constitutions, especially when they are used or so abused?

Should a motion to alter or amend be stuck when more and better evidence becomes available to support any of the above questions?

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(following correction of misstatements of case and fact):

REPLY BRIEF QUESTIONS PRESENTED IN RESPONSE TO QUESTIONS IN APPELLEE'S BRIEF

1. WHAT IS PROPER PLEADING?

2. WHAT IS PROPERLY EXPECTED?

3. WHAT IS KNOWN AND SHOULD BE CLEAR FROM THE RECORD?

4. WHAT IS THE RELATIONSHIP CONSIDERATIONS OF LIBERTY AND INTELLIGIBILITY IN THESE PROCEEDINGS?

5. MARYLAND'S APPELLATE COURTS MAY CONSIDER QUESTIONS NOT FULLY DECIDED BY LOWER COURTS.

ç. THE DISCRETION OF A TRIAL COURT MAY DIFFER FROM THAT OF A MARYLAND APPELLLATE COURT.

d. Questions presented for review:

I. Did the lower Court err:

1. in striking the complaint:

   a. absent proper discovery?

   b. with evidence sufficient to proceed?

   c. with facts more in knowledge of defendants?

   d. in whole, and not part by part, nor simply the excess?

2. in dismissing the complaint, previous considerations continuing:

   a. unless no facts could support any part?

   b. not in light most favorable?

   c. against evidence?

   d. with outside reliance?

h - e. including hearsay?

71 f. against substantial evidence

and justice?

g. on inapplicable precedent?

h. where relief was proper?

3. in denying important and fundamental rights to fair procedure, notice and hearing?

a-d. guaranteed by constitutions, statute, and common law?

e. with remedy and relief proper?

4. in denying important and fundamental rights, with responsibility:

a. speech?

b. religion?

c. thought?

d. association?

e. movement?

5. in denying important and fundamental rights, as above,

reciprocally (with others)?

6. in denying important and fundemental rights:
   when statutes are in conflict with:
   a. state constitution?
   b. federal constitution?
   c. nor to consider the reach of state and federal constitutions and law, and international agreements and law?
7. in denying motion to alter or amend:
   a. for suprise of ignoring above, and not giving attention to each part of the complaint? or substantial justice?
   b. where new evidence of bylaws

better framed corpoate analysis?

II. Did the Court of Special Appeals err or was it in conflict with other panels:

8. in ignoring or compounding the errors of the lower Court?

9. that appeal was from denial of motion to alter or amend and the original judgement?

10. relying on inapposite precedent where evidence and reference were lacking?

11. relying on inapposite precedent with regard to extract?

12. where rules were substantially followed with difficulty?

13. a. where inapposite precedent was based on deception?

b. where deception and fraud are

by appellee/defendants?

c. which vitiates the most solemn transaction--and does it vitiates the most solemn transaction--and does it vitiate proceedings and decisions heretofore?

14. to reach to international ambiguities without putting the state constitution first?

15. in denying the applicability of international agreements?

16. in denying the applicability of proper principles and precedents of old common law and statutes?

17. in not considering violation of constitutional rights?

18. that this effort is improperly subversive?

19. in viewing this effort as

incomprehensible, either as not to be included or not to be understood: for the superiority of some in our society? of the denial of inclusion of rights and duties for all?

III. These general considerations, reflective of and on the preceeding, apply to all our courts and judicial proceedings:

20. How is law to advance without novel arguments and with due respect to proper countervailing values?

21. With new rules and congruences, how are requirements of pleading and procedure, strict and liberal, complex and simplified, to be balanced or reconciled?

22. How are important and

fundamental provisions, similarly and differently worded or based, to be construed with good jurisprudence? And, in truth, what is liberty?